

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	December 19, 2007
Docket Number:	0711-VS-029
Appellant:	Bank of Indianapolis
Property Address:	2714 East 146 th Street
Variance of Standard Request:	WC 16.08.010, I5e Monument sign

EXHIBITS

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|--------------------------------------|------------|
| 1. Staff Report | 12/19/2007 |
| 2. Aerial Location Map | 11/19/2007 |
| 3. 0707-DP-09, Letter of Grant | 07/23/2007 |
| 4. Appellant's Application and Plans | 12/10/2007 |

RELATED CASES

0707-DP-09	Development Plan Approval
07-S-055	Sign Permit, Wall Signs

PETITION HISTORY – DECEMBER 19, 2007

This petition was scheduled to appear before the Board of Zoning Appeals at the November 19, 2007 BZA meeting. Prior to the hearing, this petition was continued to the January 22, 2008 BZA meeting. At the petitioner's request, a special meeting of the BZA for December 19, 2007 was called to hear this petition. The December 19, 2007 BZA meeting was noticed in the Indianapolis Star on December 7, 2007 (12 days prior to the hearing), and the meeting was noticed in the Noblesville Daily Times on December 12, 2007 (7 days prior to the hearing). The petitioner served proper certified notice to the neighboring property owners. In order to hear the petition at the December 19, 2007 meeting, the BZA would have to suspend the 21-day notice rule. The December 19, 2007 public hearing for this petition represents the first appearance before the Board of Zoning Appeals.

VARIANCE OF STANDARD REQUEST

This variance of standard request is to allow for an individual monument sign on an outlot of a non-residential center in the SB-PD District (WC 16.08.010, I5e). Specifically, this request is for the Bank of Indianapolis site at the Cool Creek Village non-residential center.

PROPERTY INFORMATION

The subject property is approximately one acre, located on 146th Street in the Cool Creek Village non-residential center. The property is zoned SB-PD and is used commercially. Abutting property to the north and east is zoned SB-PD and is part of the Cool Creek Village non-residential center. Abutting property to the west is zoned SB-PD and is part of the Cool Creek Commons non-residential center. Abutting property to the south (across 146th Street) is within the City of Carmel's planning and zoning jurisdiction. Property to the south is located in Carmel's R-1 District, which is identified as a low-density single-family residential district, characterized by lots with areas between 10,000 square feet and one (1) acre. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

The development plan and site plan for the subject property were conditionally approved by the Advisory Plan Commission on July 23, 2007 (0707-DP-09). One of the conditions of approval states that, "The petitioner acknowledges that the [monument] sign depicted on the submitted site plan is not permitted by the terms of the Sign Ordinance, and that no permit for any such sign will be issued."

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted application depicts plans for a six foot (6') eight inch (8") tall, 26.4 square foot monument sign. The proposed materials, EIFS and brick, would match the exterior finish of the bank building. The submitted plans indicate that the proposed sign would be located on the east side of the center's western-most 146th Street access drive. Additionally, the submitted plans indicate that the proposed monument sign would be located within a fifteen foot (15') drainage and utility easement. Typically, signs and other structures are not permitted within drainage and utility easements. The location of any sign within the easement would require permission from the Westfield Public Works Department.

By definition, the subject property is an outlot (WC 16.04.210), and the Sign Ordinance does not permit outlots of non-residential centers their own monument signage. The intent of this regulation is to protect the visual integrity of the community's corridors by limiting the amount of monument signage within a non-residential center.

According to the most-recent sign permit for the Bank of Indianapolis, the maximum sign area allocated for the site is 80.24 square feet (includes sign-area bonus provisions) (07-S-055). Also according to sign permit 07-S-055, the wall signs consume 76.03 square feet of the available signage, leaving 4.21 square feet of available signage. If the requested variance is approved, the monument sign would be counted against the total sign-area allotment for the site. As a result, the existing signage would have to be modified to accommodate the monument sign.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. **That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health and safety of the community. Given the location of the stop line at the access drive, the proposed location of the sign would not infringe upon a driver's line of site for entering 146th Street. Additionally, it is unlikely that the proposed location of the sign would infringe upon the line of site for a driver on west-bound 146th Street. By allowing an additional monument sign within the center, the community's goal of protecting the visual integrity of the 146th Street corridor could be jeopardized.

- b. **That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: Allowing a monument sign on the subject property would not prevent the use of adjacent property. Approving the requested variance would not preclude a permitted business within the center the ability to operate and advertise, as allowed by the provisions of the zoning ordinance. However, if the requested variance is approved, adjacent businesses could experience less visibility and marketability than a business on the subject property. The unequal treatment of signage could negatively impact adjacent properties and business.

- c. **That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

Findings: Strict adherence to the zoning ordinance would not result in a practical difficulty or prevent the use of the subject property. The ordinance does not prevent signage of the property. It allows wall signs, awning signs, and under-canopy signs based on a ratio of one square foot of sign area for each linear foot of building fronting on a public right-of-way.

NOTE: **If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.**

RECOMMENDED MOTION

Deny this variance of standard request based on the findings of this report.

Should the Board move to approve this variance of standard request, the following conditions would be appropriate:

1. That the monument sign area shall be counted against the total sign area allotment for the site;

2. That the subject property/outlot shall have no more than one (1) monument sign;
3. That the monument sign shall not exceed six feet (6') in height, including any base and cap features;
4. That the display area of the monument sign shall not exceed 24 square feet in size, per face;
5. That the monument sign comply with all rear yard and side yard setback requirements for the SB-PD District;
6. That the monument sign be located a minimum of five feet (5') from any property line, easement, right-of-way, parking lot, pedestrian pathway, or vehicular driveway;
7. That all General Sign Regulations (WC 16.08.010, E) shall apply; and,
8. That all Sign Lighting standards (WC 16.07.010, G) shall apply.

KMT

